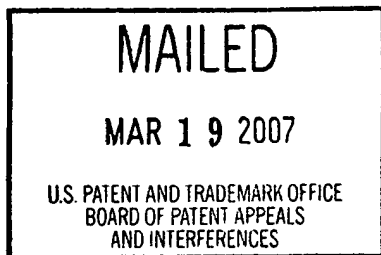


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES



Ex parte CARLOS E. COLLAZO

Application No. 10/679,569

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences (BPAI) on November 15, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below:

Appellants filed an Appeal Brief on February 17, 2006. 37 CFR § 41.37

(c)(1)(v) states in part:

The brief shall contain the following items under appropriate headings and in the order indicated in paragraphs (c)(1)(i) through (c)(1)(x) of this section

...

(v) *Summary of claimed subject matter.* A concise explanation of the subject matter defined in each of the independent claims involved in the appeal, which shall refer to the specification by page and line number and to the drawings, if any by reference characters.

Although appellant's Summary of claimed subject matter on pages 2-5 of the brief is a concise explanation of the subject matter defined in the independent claim involved in the appeal, the summary does not specifically map the subject matter of the claim to its location in the specification as outlined above (i.e., referencing the specification by page and line number and the drawings). A substitute brief correcting the deficiency is required.

Accordingly, it is


ORDERED that the application is returned to the Examiner:

1.) to hold the Appeal Brief filed February 17, 2006 defective due to an insufficient "Summary of claimed subject matter" and notification to appellants to file a substitute Appeal Brief in compliance with 37 CFR § 41.37(c)(1)(v) as noted above;

Application No. 10/679,569

- 2.) for consideration of the substitute Appeal Brief, and
- 3.) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 

PATRICK J. NOLAN
Deputy Chief Appeals Administrator
(571) 272-9797

PJN/vsh

cc: LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD NJ 07090